Amendments to the Drawings

Please replace the drawing sheets containing Figs. 2 and 4-7 with the corresponding replacement drawing sheets appended to this response.

Response to 06-28-2006 Notice of Abandonment

Remarks

Claims 1-3 currently stand rejected and remain pending. Claims 1 and 3 are amended herein. The Assignee respectfully requests reconsideration of the rejections, and requests allowance of claims 1-3.

Drawing Amendments

Fig. 2 is amended to remove the two arrows originating from the sixth block of the left-hand column, labeled "Server 124 IDs...." Also, added are two arrows: one originating from the fourth block in the left-hand column to the first block of the right-hand column, and one extending from the sixth block of the left-hand column to the second block of the right-hand column. These amendments are supported in the current specification at page 7, line 8, to page 8, line 18.

Fig. 4 is amended to include underlining for reference numeral 424.

Fig. 5 is amended to include underlining for reference numeral 552.

Fig. 6 is amended to correct the spelling of the word "frequencies" in the last block on the left-hand side of the figure.

Fig. 7 is amended to include underlining for reference numeral 562.

Each of the drawing amendments is reflected in a corresponding replacement drawing sheet appended to this response.

Claim Amendments

Claim 1 is amended to emphasize that the wireless interface is configured to transfer a user speech sample and a selected one of the account codes "for a transaction."

Claim 3 is amended to indicate that the wireless interface is configured to receive and transfer *for the transaction* a user speech sample to voice-authenticate the transaction.

Notice of Abandonment

The notice of abandonment indicates that the application is abandoned in view of the Assignee's failure to timely file a proper reply to the Office action. In response, the Assignee respectfully submits a petition for revival of the present application (which was abandoned

unintentionally under 37 C.F.R. § 1.137(b)), along with the requisite fee under 37 C.F.R. § 1.17(m), and this response. In view of the petition, fee and response, the Assignee respectfully requests revival of the application.

Double Patenting Rejection

Claims 1-3 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,650,888 to Cook, which is owned by the Assignee. (Page 2 of the Office action.) In response, the Assignee respectfully submits herein a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) and signed by an attorney of record, along with the requisite fee under 37 C.F.R. § 1.20(d). In light of the terminal disclaimer, the Assignee respectfully requests withdrawal of the double patenting rejection of claims 1-3.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,016,476 to Maes et al. (hereinafter "Maes"). (Page 3 of the Office action.) Assignee respectfully disagrees with the rejection based on the following discussion. A short description of Maes is provided below, followed by a detailed discussion of the claims in view of Maes.

Maes

Generally, Maes discloses "a portable information and transaction processing device ("personal digital assistant" or "PDA") in which a user can store his or her credit card, ATM card and/or debit card (i.e., financial information), as well as personal information, and then access and write selected information to a smartcard ("Universal Card"), which is then used to initiate a POS, ATM, or consumer transaction." (Column 2, lines 24-30.)

Maes employs each of three distinct processes to provide this functionality. First, the user performs an enrollment process with a service provider, wherein the user receives the smartcard after providing financial card information, personal information, and possibly user voice prints to a central server 60. (Fig. 3; and column 6, line 56, to column 7, line 35.)

Next, as shown in Fig. 4, a user, via his PDA 10, communicates with the central server 60 in "client-server operating mode" to obtain a temporary digital certificate *"prior to initiating a*

consumer transaction." (Column 7, lines 36-41; emphasis supplied.) During this process, the server 60 downloads the digital certificate into the PDA 10 after verifying the identity of the user, possibly including verification of the user's voice against the voice print provided during enrollment. (Column 8, lines 13-65.) The digital certificate includes information "such as the specific financial card information to be used, the limit on the amount of allowed spending allowed over the lifetime of the digital certificate and/or the period of time in which the temporary digital certificate will remain valid." (Column 9, line 67, to column 10, line 4.)

Thereafter, the PDA 10 may be operated in "*local* mode" to facilitate a consumer transaction, as illustrated in Fig. 5. More specifically, the user selects a pre-enrolled credit card from the memory 14 of the PDA 10. (Column 10, lines 30-33.) The PDA 10 then uses biometric verification, such as verification of the user's voice, to authorize the user. (Column 10, line 49, to column 11, line 13.) After authorization, the digital certificate previously stored in the memory 14 of the PDA 10 is then used to retrieve the associated credit card information, which is subsequently stored on the smartcard. (Column 11, lines 27-34.) The smartcard can then be used at a POS or ATM transaction terminal 80. (Column 11, lines 35-37.) In an alternative embodiment, also shown in Fig. 5, the PDA 10 may transmit the credit card information wirelessly to the transaction terminal 80. (Column 12, lines 5-16.)

Transferring a User Speech Sample for a Transaction

Each of claims 1-3 of the present application include a wireless interface configured to transfer for a transaction a user speech sample to voice-authenticate the transaction. The Office action indicates that the PDA 10 of Maes is configured to transfer a user speech sample, specifically citing column 5, lines 54-67, column 7, lines 36-55, and column 8, line 1. (Page 3 of the Office action.) However, in light of the foregoing discussion of Maes, the enrollment process and the client-server operating modes disclosed therein do not involve any transactions, but are only preliminary tasks performed prior to any transaction taking place. Each transaction is handled only in local mode. Further, in local mode the PDA 10 *internally* verifies the user, possibly by way of voice recognition. Thus, Maes does not teach or suggest a wireless interface configured to transfer a user speech sample *for a transaction*, as provided for in claims 1-3, as any voice samples in Maes are transferred to the central server 60 only during the enrollment or the client-server operating modes, which do not involve the actual transactions. For every

transaction, the PDA 10 performs the user authorization itself, and thus does not require transferring the voice data from the PDA 10. Thus, on the basis of the foregoing reasons, the Assignee respectfully asserts that independent claims 1-3 are allowable in view of Maes, and such indication is respectfully requested.

Wireless Telephone Configured to Communicate over a Public Wireless Communication Network

Claims 1-3 each claim a wireless telephone, "wherein the wireless telephone is configured to communicate over a public wireless communication network." The Office action indicates that column 7, line 57, to column 8, line 2 of Maes indicates that the PDA 10 is such a device. (Page 3 of the Office action.) The Assignee respectfully disagrees. Maes mentions theerein that the PDA may communicate with the central server 60 over a telephone line, internet, intranet, local area network, or "through wireless communications, e.g., via the RF port 50 and the RF processor module 48." (Column 7, line 57, to column 8, line 2.) However, Maes does not appear to teach or suggest that the PDA 10 is a wireless telephone configured to communicate *over a public wireless communication network*, as set forth in claims 1-3. Thus, the Assignee contends claims 1-3 are allowable for at least this additional reason, and such indication is respectfully requested.

Therefore, in light of the discussion presented above, the Assignee respectfully requests withdrawal of the 35 U.S.C. § 103 rejection of claims 1-3.
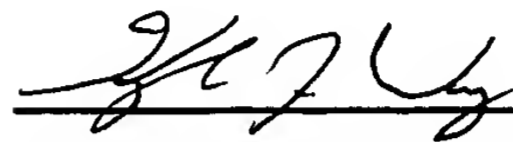
Conclusion

Based upon the above remarks, the Assignee submits that claims 1-3 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interest of clarity and brevity. The Assignee thus respectfully requests allowance of claims 1-3.

The Office is hereby authorized to charge Deposit Account No. 21-0765 the requisite fees under 37 C.F.R. § 1.17(m) and 37 C.F.R. § 1.20(d) for the petition for revival of the present application and the terminal disclaimer, respectively. The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: _7/28/06_

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